

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

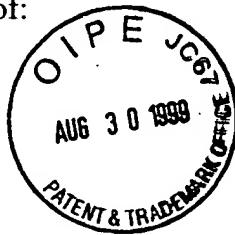
In re patent application of:

Dale A. Miles

Serial No. 09/056,220

Filed April 7, 1998

PORTABLE X-RAY DEVICE



Before the Examiner

D. Bruce

Group Art Unit 2876

August 25, 1999

#7

9/10/99

Approved
Jmaad

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER AN ISSUED PATENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner hereby disclaims, except as provided hereafter, the terminal part of the statutory term of any patent granted on the Instant Application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154-156 and 173, as shortened by any terminal disclaimer filed prior to its grant, of United States Patent No. 5,631, 943 issued May 20, 1997, for PORTABLE X-RAY DEVICE (hereafter the "Issued Patent").

Petitioner agrees that any patent granted on the Instant Application shall be enforceable only for and during such period that it and said Issued Patent are

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August 25, 1999

Date of Deposit

Troy J. Cole

Name of Registered Representative

Signature

August 25, 1999

Date of Signature

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commonly owned. This agreement runs with any patent granted on the Instant Application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the Instant Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of said Issued Patent, as shortened by any terminal disclaimer filed prior to the grant of said Issued Patent, in the event that said Issued Patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Finally, a check in the amount of \$110.00 is enclosed for the statutory disclaimer fee, as set forth in 37 CFR 1.20(d). No additional fees are believed to be necessary, however, should any fees be deemed required, please charge such fees to Deposit Account No. 23-3030.

Respectfully submitted,

By: 

Troy J. Cole
Reg. No. 35,102
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456